

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MACNEIL AUTOMOTIVE PRODUCTS,)
LIMITED, an Illinois Corporation dba)
WEATHERTECH,)

Case No. 20-cv-00278

Plaintiffs,)

v.)

YITA LLC, a Washington Company dba)
YITAMOTOR; LED KINGDOMUS, a Chinese)
Company,)

Defendants.)

**STIPULATION AND ORDER TO
WITHDRAW DEFENDANT
YITA LLC'S PENDING SECOND
MOTION TO DISMISS
WITHOUT PREJUDICE AND
EXTENDING CERTAIN CASE
DEADLINES**

STIPULATION

COME NOW the parties by and through their respective counsel of record and hereby stipulate that Defendant Yita LLC's pending second motion to dismiss (Dckt. #61) is withdrawn without prejudice. Further, pursuant to Federal Rule of Civil Procedure 15(a)(2), Defendant Yita hereby agrees and gives its consent to allow Plaintiffs to file a Second Amended Complaint within a reasonable time after case consolidation as described below. Finally, the parties hereby stipulate to extend certain deadlines per the table below.

The parties and counsel for Jinrong (SH) Automotive Development, Ltd. have agreed that the matter *MacNeil Automotive Products Ltd., d/b/a Weathertech, et al., v. Jinrong (SH) Automotive Development Co., Ltd.*, No. 19-cv-2460, should be transferred from the Northern District of Illinois to the Western District of Washington. The parties in

**STIPULATION AND ORDER TO WITHDRAW
MOTION TO DISMISS - 1**

No. 20-CV-00278 TSZ

129645.0002/8075328.1

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the *Jinrong* case filed a joint stipulation to transfer venue on June 1, 2020. Following transfer of that case, the parties intend to jointly move the Court to consolidate the *Jinrong* case with this matter for the purposes of discovery pursuant to FRCP 42. After consolidation, the Plaintiffs intend to amend the complaint in the Yita case, and Yita has agreed to consent to such amendment pursuant to Fed. R. Civ. P. 15(a)(2). When Plaintiffs file their Second Amended Complaint they will follow LCR 15 and will file a further stipulation attaching the proposed amendment as an exhibit. Accordingly, the pending motion to dismiss in this matter is withdrawn without prejudice and Plaintiffs shall amend the complaint within a reasonable time after consolidation.

Given the above case changes, the parties hereby further agree to extend certain initial case deadlines as follows:

| Case Event | Current Deadline | Stipulated New Deadline |
|--|------------------|---|
| Fed. R. Civ. P. 26(f) Conference | 6/15/2020 | 60 days after filing of Answer to Second Amended Complaint or 60 days after filing of any Reply in support of a Motion to Dismiss |
| Initial Disclosures | 6/29/2020 | 15 days after Fed. R. Civ. P. 26(f) Conference |
| Joint Status Report and Discovery Plan | 6/29/2020 | 15 days after Fed. R. Civ. P. 26(f) Conference |

Although the parties have sought a prior extension of these deadlines, the parties agreed that good cause exists for the above extension because that extension will allow the parties to focus on the new amended complaint and streamline the *Jinrong* and instant case together.

**STIPULATION AND ORDER TO WITHDRAW
MOTION TO DISMISS - 2**
No. 20-CV-00278 TSZ

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1 Dated this 5th day of June 2020

2
3 Presented by:

4 LANE POWELL PC

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**STIPULATION AND ORDER TO WITHDRAW
MOTION TO DISMISS - 3**

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ORDER

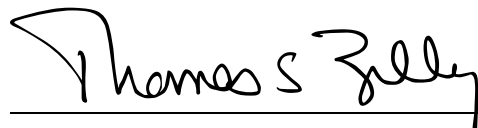
Pursuant to the stipulation of the parties, docket no. 66, the Court ORDERS as follows:

(1) Defendant Yita LLC's Second Motion to Dismiss, docket no. 61, is STRICKEN without prejudice for refiling.

(2) The Court SETS the following deadlines:

| Case Event | Current Deadline | New Deadline |
|---|------------------|---|
| Deadline to file Second Amended Complaint | None | 15 days after case consolidation |
| Fed. R. Civ. P. 26(f) Conference | 6/15/2020 | 60 days after filing of Answer to Second Amended Complaint or 60 days after filing of any Reply in support of a Motion to Dismiss |
| Initial Disclosures | 6/29/2020 | 15 days after Fed. R. Civ. P. 26(f) Conference |
| Joint Status Report and Discovery Plan | 6/29/2020 | 15 days after Fed. R. Civ. P. 26(f) Conference |

DATED this 9th day of June, 2020.



Thomas S. Zilly
United States District Judge

**STIPULATION AND ORDER TO WITHDRAW
MOTION TO DISMISS - 4**
No. 20-CV-00278 TSZ

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